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Permit No.: ST-9197
Issuance Date: January 14, 2005
Effective Date: March 1, 2005
Expiration Date: February 28, 2010

STATE WASTE DISCHARGE PERMIT NO. ST-9197

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGIONAL OFFICE
YAKIMA, WASHINGTON 98902

In compliance with the provisions of the
State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended,
and
the Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.,
authorizes

to discharge wastewater in accordance with the special and general conditions which follow.

JOHNSON CONCENTRATES, INC.
310 EAST EDISON AVE.
SUNNYSIDE, WA 98944

<u>Facility Address:</u> 310 East Edison Ave. Sunnyside, WA 98944	<u>Discharge Location</u> Latitude: 46° 19' 26" N Longitude: 120° 00' 57" W
<u>Treatment Works Receiving Discharge:</u> Port of Sunnyside Industrial Wastewater Treatment Facility	
<u>Industry Type:</u> Fruit Juice Concentrator Producer	<u>SIC Code:</u> 2037

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Region Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.	Discharge Monitoring Report	Monthly	April 15, 2005
S4.A.	Operation and Maintenance Manual Update	1/permit cycle	February 28, 2009
S7.C.	Solid Waste Control Plan Update	1/permit cycle	February 28, 2009
S8.	Spill Plan and Slug Discharge Control Plan Update	1/permit cycle	February 28, 2009
G7.	Application for permit renewal	1/permit cycle	February 28, 2009 ^a

^a At least one (1) year prior to permit expiration

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **March 1, 2005** and lasting through **February 28, 2010**, the discharge from this facility is subject to limitations established by the Industrial Wastewater Treatment Facility User Contract between the Johnson Concentrates and the Port of Sunnyside. At the time of issuance of this permit, the contract, dated January 1, 2002, is in effect. The effluent limitations in the contract constitute the enforceable limits of this permit (with the exception of pH, which is not addressed in the User Contract).

The Department anticipates that the Johnson Concentrates and the Port of Sunnyside may renegotiate the contract during the course of this permit as more information is generated on the variability of the discharge and the Port's treatment capacity. Upon establishment of a new contract, the facility shall submit the contract to the Department for approval. Upon approval, the contract will be incorporated into the facility's Operating and Maintenance Manual as a replacement Appendix A and the limitations established in the new contract will become the enforceable limits of this permit.

pH Effluent Limitation	
pH (standard units)	Shall not be outside the range of 4.0 to 11.0

S2. MONITORING REQUIREMENTS

A. Wastewater Monitoring

The Permittee shall monitor the wastewater according to the following schedule:

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow	Total gallons/month	Sump	Continuous ^a	Meter
pH	Standard Units	Sump	1/Week ^b	Grab
COD	mg/L	Sump	1/Week	Composite ^c
COD	lbs/month	Sump	1/Week	Calculation
BOD ₅	mg/L	Sump	2/Month	Composite
BOD ₅	lbs/month	Sump	2/Month	Calculation
TSS	mg/L	Sump	2/Month ^d	Composite
TSS	lbs/month	Sump	2/Month	Calculation
TKN	mg/L	Sump	2/Month	Composite
TKN	lbs/month	Sump	2/Month	Calculation
Total P	mg/L	Sump	2/Month	Composite
Total P	lbs/month	Sump	2/Month	Calculation
Chloride	mg/L	Sump	2/Month	Composite
Chloride	lbs/month	Sump	2/Month	Calculation
TDS	mg/L	Sump	2/Month	Composite
TDS	lbs/month	Sump	2/Month	Calculation
FDS	mg/L	Sump	2/Month	Composite
FDS	lbs/month	Sump	2/Month	Calculation
^a Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance.				
^b 1/Week means once each calendar week except weekends and holidays.				
^c Composite means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.				
^d 2/Month means two (2) times during each month and on a rotational basis throughout the days of the month, except weekends and holidays.				

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, turbidity, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

E. Request for Reduction of Monitoring

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and (3) clearly state the justification for the reduction. Any request for reduction in

monitoring shall be granted at the Department of Ecology's (Department) and the Port of Sunnyside's discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **March 1, 2005**. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to:

Permit Data System Manager
Department of Ecology
Central Region Office
15 West Yakima Avenue, Suite 200
Yakima, WA 98902

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within thirty (30) days after becoming aware of the violation;
3. Immediately notify the Department and the local sewage treatment plant manager of the failure to comply; and
4. Submit a detailed written report to the Department within thirty (30) days (five (5) days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Dangerous Waste Discharge Notification

The Permittee shall notify the IWWTF and the Department in writing of the intent to discharge into the IWWTF any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification shall be made at least ninety (90) days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee shall notify the IWWTF immediately (as soon as discovered) of all discharges that could cause problems to the IWWTF, such as process spills and unauthorized discharges (including slug discharges).

H. Maintaining a Copy of This Permit

A copy of this permit shall be kept at the facility and be made available upon request to Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An updated Operation and Maintenance (O&M) Manual shall be submitted to the Department for approval no later than **February 28, 2009**. It shall conform to the requirements of WAC 173-240-150. In addition to the requirements of WAC 173-240-150(1) and (2), the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the

operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine.)

4. Appendix A, containing the current User Contract and Schedule A, detailing the Permittee's hydraulic, organic loading, and inorganic loading allocations to the IWWTF. The Permittee shall place the User Contract in Appendix A of the O&M Manual.

The O&M Manual shall be reviewed by the Permittee at least annually. Substantial changes or updates to the O&M Manual shall be submitted to the Department for whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual.

B. Bypass Procedures

The Permittee shall immediately notify the Department and the receiving IWWTF of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department and the receiving IWWTF in accordance with Special Condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions—Bypass is authorized by an administrative order issued by the

Department. The Permittee shall notify the Department and the IWWTF at least thirty (30) days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, a violation of a pretreatment standard or requirement, or adversely impact public health as determined by the Department prior to the bypass.

S5. PROHIBITED DISCHARGES

A. General Prohibitions

The Permittee shall not introduce into the IWWTF pollutant(s) which cause Pass Through or Interference.

B. Specific Prohibitions

In addition, the following shall not be introduced into the IWWTF:

1. Pollutants which create a fire or explosion hazard in the IWWTF, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the IWWTF resulting in interference;
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the IWWTF;
4. Heat in amounts which will inhibit biological activity in the IWWTF resulting in interference, but in no case heat in such quantities that the temperature at the IWWTF treatment plant exceeds 40°C (104°F) unless the approval authority, upon request of the IWWTF, approves alternative temperature limits;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the IWWTF in a quantity that may cause acute worker health and safety problems;
7. Any trucked or hauled pollutants, except at discharge points designated by the IWWTF.
8. Pollutants which will cause corrosive structural damage to the IWWTF, but in no case discharges with pH lower than 4.0 or greater than 11.0, unless the works is specifically designed to accommodate such discharges.

C. Prohibited Unless Approved

1. Any of the following discharges are prohibited unless approved by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):

- a. Noncontact cooling water in significant volumes.
 - b. Storm water and other direct inflow sources in significant volumes.
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

S6. DILUTION PROHIBITED

The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

S7. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground water, surface water or a IWWTF.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing all known, available and reasonable methods of prevention, control and treatment (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan

modifications. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal no later than **February 28, 2009**.

The modifications or revisions shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall meet the rule requirements of Chapter 173-350 WAC.

The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. The plan shall identify specific individuals who are responsible for said plan and a means to contact them during normal hours of business. This plan shall not be at variance with any approved local solid waste management plan.

S8. SPILL AND SLUG DISCHARGE PREVENTION AND CONTROL PLAN

The Permittee shall by **February 28, 2009**, submit to the Department an update to the existing Spill and Slug Discharge Prevention and Control Plan.

The Spill and Slug Discharge Prevention and Control Plan shall include the following:

1. A description of a reporting system to be used to immediately notify facility management, the IWWTF operator, and appropriate State, Federal, and local authorities of any spills or slug discharges, and provisions to provide a written follow-up report within five days;
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating spills or slug discharges;
3. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
4. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances;
5. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges; and

6. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

Plans and manuals required by 40 CFR Part 112, contingency plans required by chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

The current approved plan shall be maintained on the plant site and be readily available to facility personnel. The Permittee shall submit an update of the Spill and Slug Discharge Prevention and Control Plan, or a certification that it is current with the application for permit renewal.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
 - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the State. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the State; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least one hundred and eighty (180) days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least one (1) year prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving IWWTF is notified and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency,

loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

G11. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G12. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.